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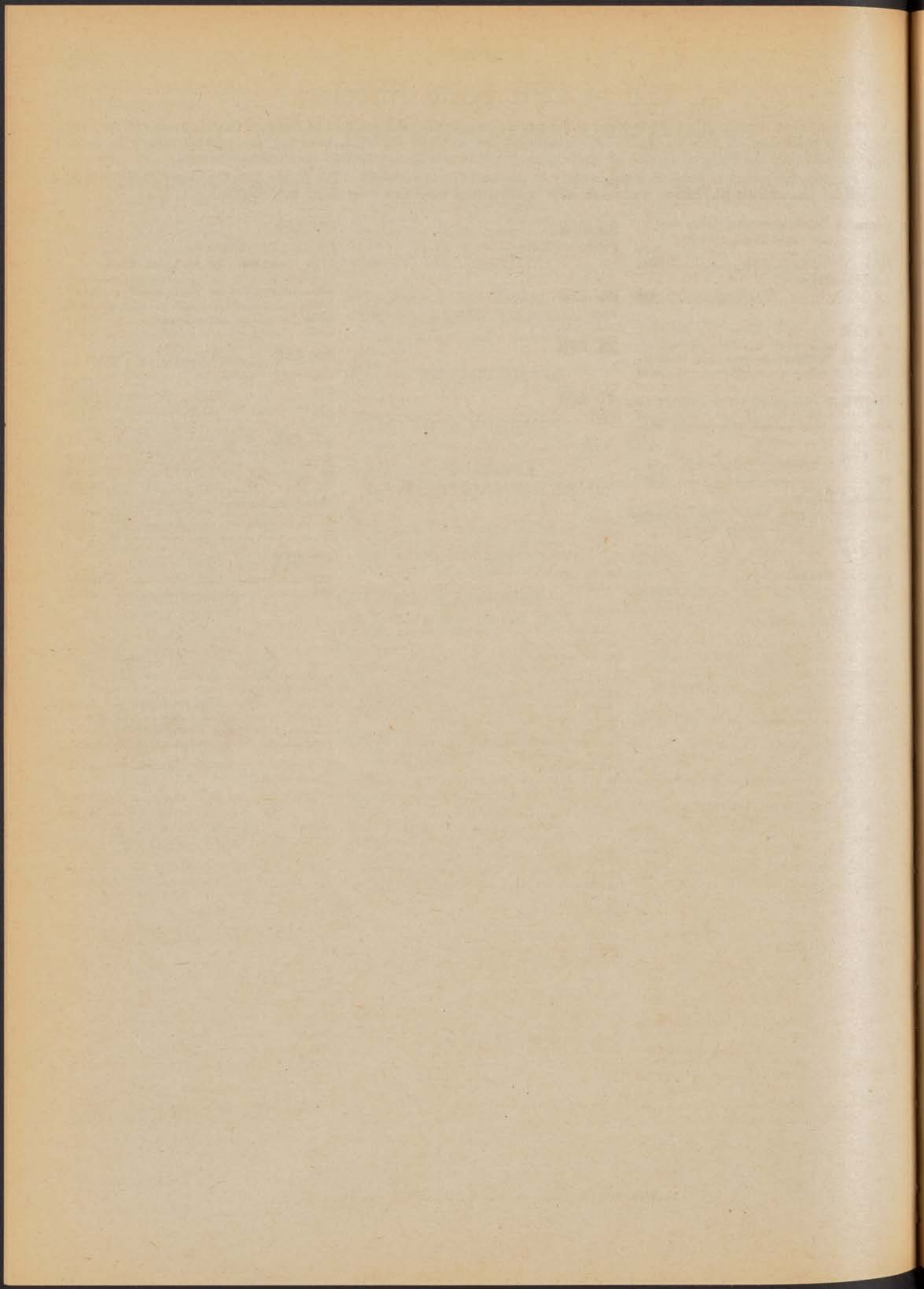
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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 19—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The rules issued herein are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971, and action under that law is dependent upon these regulations. Also, these are interim regulations. Accordingly, it is found upon good cause that notice of proposed rule making is not possible.

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- 19.901 Annual report.

AUTHORITY: The provisions of this Part 19 issued under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.

Subpart—Policies

§ 19.101 Purpose.

The regulations in this part prescribe policies and procedures for the U.S. Department of Agriculture in implementing

the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 (84 Stat. 1894) herein called the Act. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federal financially assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federal financially assisted programs.

§ 19.102 Effective date.

The regulations in this part shall be effective on and after January 2, 1971.

§ 19.103 Displacement notice—Application for relocation assistance.

Written notice of displacement served personally or by first-class mail will be given to each person, family, business, or farm. A displaced person, business, or farm operation must make proper application to the displacing agency for relocation assistance payments. A displaced person, business, or farm operation who makes proper application will be paid promptly after a move. If the agency head determines that delaying payment until after the move will create a hardship, he will authorize a payment to be advanced.

§ 19.104 Appeal rights.

Any person aggrieved by a determination as to eligibility for relocation payment, or the amount of a payment, in a Federal project may have his application reviewed by the Secretary of Agriculture or his designee, or in the case of a project receiving Federal financial assistance, by the head of the State agency.

§ 19.105 Leasing to former owner or tenant.

The agency head in the case of a Federal project or the head of the State agency in the case of a Federal financially assisted project may permit use of or lease realty back to former owners or tenants for a period of not more than 1 year, and may also extend or renew such permits or leases for successive periods of not more than 1 year.

§ 19.106 Assurance of replacement dwelling prior to displacement.

No phase of any project will be initiated or continued if that phase will cause the displacement of any person until the agency has determined on the basis of a current survey and analysis of available replacement housing that prior to displacement there will be available for each displaced person a replacement dwelling.

§ 19.107 Adjustments.

The agency head may make adjustments in the requirements for decent, safe, and sanitary dwellings only in cases of unusual circumstances.

§ 19.108 Waiver.

In emergencies or other extraordinary situations where immediate possession of real property is crucial, the agency head may waive the requirements of § 19.106. Each such waiver must be reported through administrative channels to the Director, Office of Management and Budget.

§ 19.109 Criteria for new construction and loans.

The Department and State agencies will be guided by criteria and procedures issued by the Secretary of Housing and Urban Development relating to (a) determination of necessity to construct replacement housing for displaced persons, and (b) loans for planning and other preliminary expenses for additional housing for displaced persons.

Subpart—Definitions

§ 19.201 Agency head.

The head of the agency of the Department responsible for the project which requires land acquisition or displacement, or any individual authorized to act for him in implementing these regulations.

§ 19.202 Business.

(a) Any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Outdoor advertising signs erected and maintained for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services whether or not located on the premises of the foregoing businesses.

(b) Part-time family occupations which do not contribute materially to the income of the displaced person, such as newspaper routes and part-time typing, do not come within the definition of business.

(c) A warehouse or other facility acquired, which is operated in conjunction with a business not acquired, is not a business.

§ 19.203 Decent, safe, and sanitary dwelling.

A dwelling which is in good repair and in sound and weather-tight condition, which meets local housing codes, if any, and also meets the following requirements:

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(b) *Nonhousekeeping unit.* A non-housekeeping unit is one which meets local code standards for boarding houses, hotels or other congregate living.

§ 19.204 Department.

The U.S. Department of Agriculture.

§ 19.205 Displacing agency.

The agency in the Department for Federal projects, and the State agency for Federal financially assisted project, which acquires real property.

§ 19.206 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the actual acquisition of such real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program or project undertaken by the Department or with Federal financial assistance provided by the Department. If a person moves as the result of such a notice, it makes no difference whether or not the real property actually is acquired.

§ 19.207 Dwelling.

The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling. It does not include seasonal or part-time dwelling units, such as beach houses, mountain or other vacation cabins.

§ 19.208 Economic rent.

Economic rent is the amount of rent the displaced person would have had to pay for a similar dwelling unit located in an area not generally less desirable than the location of the dwelling to be acquired.

§ 19.209 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 19.210 Farm operation.

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 19.211 Federal financially assisted program or project.

Any program or project administered by the Department or by a State agency in which a grant, loan, or contribution is provided to the State agency by the

Department. Federal contracts of guaranty or insurance are excluded.

§ 19.212 Federal program or project.

Any program or project administered by the Department in which real property interest is acquired by, remains in, or is transferred to Federal ownership or control.

§ 19.213 Initiation of negotiations.

The date the acquiring agency makes the first contact with the owner or his representative and discusses a price for the real property to be acquired.

§ 19.214 Mortgage.

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 19.215 Owner.

A person who holds fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from the date of acquisition of the property or has an interest in a cooperative housing project which includes a proprietary right of occupancy of a dwelling unit, excluding lease, or is the contract purchaser of any such estates or interests.

§ 19.216 Person.

Any individual, partnership, corporation, or association.

§ 19.217 Rental rate.

The amount paid or determined to be appropriate for the bare premises exclusive of such items as utilities and other services.

§ 19.218 Replacement dwelling.

A dwelling which is comparable to the acquired dwelling and is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms; areas of living space; age; and state of repair.

(c) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of Title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to public utilities and public, commercial, and community facilities.

(e) Reasonably accessible to the displaced person's place of employment.

(f) Adequate to accommodate the displaced person.

(g) Available on the market to the displaced person at rents or prices within the financial means of the displaced person.

§ 19.219 State.

Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States,

the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 19.220 State agency.

Any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

§ 19.221 Tenant.

A person who leases, rents, lawfully occupies or temporarily possesses real or personal property of another by any kind of right.

Subpart—Moving and Related Expenses

§ 19.301 Recipient eligibility.

A displaced person, business, or farm operation who submits a proper application to the displacing agency is eligible to receive payments for moving and related expenses. Moving and related expenses are payable as actual reasonable expenses described in § 19.303 or a fixed relocation payment described in § 19.304.

§ 19.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family, who is displaced from a dwelling may elect to receive either the payment described in § 19.303 (a) or the fixed payment described in § 19.304(a) except:

(1) Two or more persons, not a family, living together in a single family dwelling who are displaced from the dwelling will be regarded as one displaced person insofar as their eligibility for receiving the fixed payment for moving expenses described in § 19.304(a). Each individual in such group is eligible to receive actual moving and related expenses described in § 19.303(a) if the group does not elect to receive the fixed payment.

(2) No member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

(3) Any person other than a member of the family who is renting a room within the dwelling unit is eligible for moving expenses under § 19.303(a), but is not eligible to elect to receive the fixed payment in § 19.304(a).

(b) Any displaced business or farm operation may elect to receive either the payment described in § 19.303 or the payment described in § 19.304.

(c) Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling is eligible for payments for actual moving and related expenses for both dwelling and business described in § 19.303 or may elect to receive the fixed payments for both dwelling and business described in § 19.304, or he may elect to receive payment for the dwelling under one alternate and payment for the business under the other alternate.

(d) A person who lives on his business or farm property and is displaced from both his dwelling and business or farm property may elect to receive either the

payment described in § 19.303 or the fixed payment described in § 19.304 for the dwelling and business or farm operation; or he may elect to receive payment for the dwelling under one alternate and payment for the business or farm operation under the other alternate.

(e) A person who is displaced from a business or farm operation which results in such person moving from a nearby dwelling may elect to receive for moving from the dwelling either the payment described in § 19.303(a) or the fixed payment described in § 19.304(a).

§ 19.303 Actual expenses payment.

(a) Actual reasonable expenses specified in § 19.305 in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses specified in § 19.306 of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expense specified in § 19.307 in searching for a replacement business or farm.

§ 19.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive, in lieu of reimbursement for actual expenses described in § 19.303(a), a moving expense allowance not in excess of \$300 based on schedules maintained by State highway departments, plus a dislocation payment of \$200.

(b) A displaced person who is displaced from his place of business, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expense, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 19.308 provided:

(1) The business cannot be relocated without a substantial loss of its existing patronage. The displacing agency will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, and the relative importance of the present and proposed locations to the displaced business.

(2) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business.

(c) A displaced person who is displaced from his farm operation, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expenses, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the farm operation.

(d) The payment provided in paragraphs (b) and (c) of this section shall be not less than \$2,500 nor more than \$10,000.

§ 19.305 Actual reasonable expenses in moving.

(a) *Items to be included in determining reasonable expenses.* (1) Transportation of individuals, families, and property from acquired site to the replacement site, not to exceed an airline distance of 50 miles, except where the displacing agency determines that relocation cannot be accomplished within the prescribed area.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is desirable.

(4) Storage of personal property for a period determined by the displacing agency to be necessary.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items of personal property not acquired, including reconnection of utilities, which do not constitute an improvement to the replacement site. Prior to payment for any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible by the agency head.

(b) *Items to be excluded in determining reasonable expenses.* (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Modification of personal property to adapt it to the replacement site.

(11) Such other items as the agency head determines should be excluded.

(c) *Limitations.* (1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving.

(2) If an item of personal property used in connection with a business or

farm operation is not moved, but sold and promptly replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving, whichever is less.

(3) If personal property used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of removing, moving, reinstallation and reestablishment would be disproportionate in relation to the value, in the judgment of the displacing agency, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market.

§ 19.306 Actual direct losses, business, or farm operations.

Payments for actual direct losses of tangible personal property are allowed where a person who is displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. Typical items of property that may cause such direct losses include equipment, machinery, or fixtures which are no longer required, where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

(a) If the displaced person does not move the personal property he shall make a bona fide effort to sell it.

(b) If personal property is sold and not replaced and the business or farm operation is reestablished, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(c) If the business or farm operation is discontinued, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(d) If personal property is abandoned, the displaced person is entitled to the difference between the estimated replacement value and the estimated amount that would have been received for the sale of the property, but not to exceed the estimated cost of moving.

(e) If the business or farm operation is discontinued, the distance to be used in estimating the moving cost shall be 25 miles.

§ 19.307 Actual reasonable expenses in searching, business, and farm operation.

A displaced person whose business or farm is acquired may be reimbursed for his actual reasonable expenses of searching for a replacement business or farm location. The maximum amount allowable for searching expenses is \$500 for each displaced business or farm unless the agency head determines that a

greater amount is justified based on the circumstances involved. Payment for these expenses are further limited to:

(a) *Travel.* (1) Actual cost of common carrier.

(2) Ten cents per mile for use of privately owned vehicle.

(b) *Meals and lodging.* (1) Three dollars per meal but not to exceed \$9 per day per individual.

(2) Actual cost of lodging, but not to exceed \$20 per day per individual.

(c) *Time.* Time spent in searching at a flat rate of \$3 per hour, or at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour. The maximum time allowed shall not exceed 8 hours each day.

(d) *Realtor assistance.* Broker or realtor fees to locate a replacement business or farm operation only when the agency head determines in advance that it is necessary.

§ 19.308 Determination of average annual net income.

The average annual net income will be one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes for the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Another period may be approved by the agency head if the business or farm operation was not in operation for the full 2-year period or if an unusually long time lag between public announcement of a project and the displacement results in a material reduction in the earnings of the business for such 2-year period, or under other conditions clearly warranting a different period. The business or farm operation will be required to furnish pertinent returns filed with the Internal Revenue Service for the applicable period, or other acceptable evidence of earnings if not required to file returns.

Subpart—Replacement Housing Payments for Homeowners (Over 180 days)

§ 19.401 Eligibility.

A displaced owner-occupant of an acquired dwelling is eligible for a replacement housing payment under this subpart of not to exceed \$15,000 if he:

(a) Actually owned and occupied the acquired dwelling for not less than 180 days immediately prior to initiation of negotiations for the property; and

(b) Purchases and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date. Purchase of a replacement dwelling shall mean (1) acquisition of an existing dwelling, (2) acquisition and rehabilitation of a sub-

standard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

§ 19.402 Certification of eligibility.

Whenever a displaced person is eligible for a payment under this subpart except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(a) The eligibility of the displaced person for a payment.

(b) The requirements that must be satisfied before such payment can be made.

(c) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available, and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

§ 19.403 Selecting a method for determining purchase price for a replacement dwelling.

The displacing agency may determine the amount necessary to purchase a replacement dwelling by: (a) A schedule method in which the displacing agency establishes a schedule of reasonable acquisition cost for replacement dwellings that are available on the private market in the various types of dwellings to be acquired. This schedule should be based on current analysis of the market; or by: (b) The comparative method in which the displacing agency determines the price of a replacement dwelling by selecting one or more dwellings that are most representative of the dwelling unit acquired, and are available to the displaced person. A single dwelling shall only be used when additional comparable dwellings are not available. Asking prices are to be adjusted to reflect market sale experience.

§ 19.404 Coordination among displacing agencies.

When more than one agency, department or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of sale housing in the community or area.

§ 19.405 Costs eligible for payment by displacing agency.

Costs eligible for payment by the displacing agency under this subpart are:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost determined by the displacing agency for a replacement dwelling, the displacing agency shall pay not more under this item than the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no payment is allowable under this paragraph (a).

(b) The amount, if any, which will compensate the displaced person for any increased interest cost and points which such person is required to pay for financing the acquisition of the replacement dwelling, provided that the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. This amount shall be computed on the basis of and limited to:

- (1) The amount of the unpaid debt at the time of acquisition of the real property;
- (2) The length of the remaining term of the mortgage at the time of acquisition;
- (3) The prevailing interest rate and points currently charged by mortgage lending institutions in the vicinity; and
- (4) The present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses, as determined by the agency head, incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses:

(1) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(2) Lenders, FHA or VA appraisal fee.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policy, certificate of title, or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

§ 19.406 General.

(a) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(b) Payment under this subpart will not affect the eligibility of the displaced owner-occupant to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(c) Two or more individuals, living together in a single family dwelling will be regarded as one owner-occupant for the purpose of this subpart.

Subpart—Replacement Housing for Tenants and Certain Others

§ 19.501 Eligibility.

(a) This subpart is applicable to a displaced person who:

- (1) Is a tenant.
- (2) Is an owner-occupant who elects to lease or rent rather than purchase a replacement dwelling, or elects to purchase a replacement dwelling but has occupied the acquired dwelling for less than the 180 days required by §§ 19.401 to 19.406.
- (3) Leases and occupies a site for a mobile home when such site is acquired, but only to the extent specified in § 19.509.

(b) A displaced person is eligible for a replacement housing payment under this subpart if he:

(1) Actually and lawfully occupied the acquired dwellings, or site in the case of a mobile home, for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the property.

(2) Rents or purchases and occupies a replacement dwelling not later than the end of the 1-year period, except as specified in § 19.508(a), beginning on the date on which he:

- (i) If a tenant, moves from the acquired dwelling.
- (ii) If a mobile home occupant, moves from the acquired site.
- (iii) If an owner-occupant, receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or

the date on which he moves from the acquired dwelling, whichever is the later date.

(c) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(d) Payment under this subpart will not affect the eligibility of the displaced person to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(e) Two or more individuals living together in a single family dwelling displaced from the dwelling will be regarded as one displaced person.

§ 19.502 Maximum payment.

The maximum payment which may be made under this subpart is \$4,000, except that when the payment is made in connection with the purchase of a replacement dwelling, any amount in excess of \$2,000 for the down payment and expenses specified in § 19.508(c) must be matched by the displaced person.

§ 19.503 Selecting a method for determining rental rate for a replacement dwelling.

The displacing agency may determine the amount necessary to rent a replacement dwelling for a displaced tenant by:

(a) A schedule method in which the displacing agency establishes a rental schedule for renting replacement dwellings of the various types of dwellings needed that are available on the private market. This schedule should be based on current analysis of the market; or by

(b) The comparative method in which the displacing agency establishes an average monthly rental rate for a replacement dwelling by selecting one or more dwellings that are available on the private market, available to the displaced person, and are most representative of the dwelling unit acquired.

§ 19.504 Coordination among displacing agencies.

When more than one agency, departmental or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of rental housing in the community or area.

§ 19.505 Computing rental payments for displaced tenants renting replacement housing.

(a) The displacing agency shall compute the amount of the payment to the tenant as follows:

- (1) Multiply the monthly rental rate of the replacement dwelling by 48.
- (2) Determine the average monthly rental rate paid by the displaced tenant for the acquired dwelling in the last 3

months prior to initiation of negotiations, provided such rent was reasonable. If such average rent paid was not reasonable, the displacing agency may use an economic rent amount for the acquired dwelling. If the displacing agency deems it advisable, more than 3 months may be used as a base for determining the average rental rate.

(3) Multiply the average monthly rental rate for the acquired dwelling as determined in subparagraph (2) of this paragraph, by 48.

(4) Subtract from the amount for the replacement dwelling as determined in subparagraph (1) of this paragraph, the amount for the acquired dwelling as determined in subparagraph (3) of this paragraph.

(b) If the displaced tenant is paying rent for the acquired dwelling to the displacing agency, economic rent shall be used in making the determination required by paragraph (a)(2) of this section.

§ 19.506 Computing rental payments for displaced owner-occupants renting replacement housing.

The displacing agency shall compute the amount of the payment to the displaced owner-occupant in the same manner as prescribed in § 19.505, except that economic rent shall be used in making the determination required by § 19.505(a)(2), however, the amount paid shall not exceed that which would have been paid to the displaced owner-occupant had he been eligible for and elected to purchase a replacement dwelling under the provisions of §§ 19.401 to 19.406.

§ 19.507 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of \$500, payment will be made in four equal annual installments at the beginning of each annual period, provided that the displacing agency determines that the tenant is continuing to occupy decent, safe and sanitary housing at the beginning of each annual period.

(b) If the total rental payment to be made to the displaced person is \$500 or less, the payment shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. The displacing agency need not thereafter determine whether occupancy of decent, safe and sanitary housing is continued.

§ 19.508 Purchase of a replacement dwelling.

(a) If a displaced person eligible under this subpart elects to purchase rather than rent a replacement dwelling, purchase of a replacement dwelling shall mean: (1) Acquisition of an existing dwelling, (2) acquisition and rehabilitation of a substandard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or ac-

quires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupied the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

(b) Whenever a displaced person is eligible for a payment under this section except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(1) The eligibility of the displaced person for a payment.

(2) The requirements that must be satisfied before such payment can be made.

(3) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available; and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

(c) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover expenses on the purchase of the replacement housing.

(1) The amount necessary for the down payment shall be based on the amount required for a conventional loan.

(2) Reasonable expenses, as determined by the displacing agency incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses;

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders, FHA or VA appraisal fee.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA.

(v) Credit report.

(vi) Title policy, certificate of title, or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps, or sale or transfer taxes.

(d) The full amount of the payment must be applied as follows:

(1) The amount allowed for the down payment must be applied to the purchase price.

(2) The amount allowed for incidental costs must be applied to the incidental costs.

(3) The down payment and incidental costs must be shown separately on the closing statement.

§ 19.509 Mobile home site.

If real property is acquired on which a displaced person leases and occupies a site for a mobile home, the following reasonable costs as determined by the displacing agency are allowable and payable in a lump sum:

(a) Moving the mobile home to a replacement site located not more than 50 airline miles from the acquired site.

(b) Detaching and reattaching fixtures and appurtenances, where applicable.

Subpart—Relocation Assistance Advisory Services

§ 19.601 Policy.

Whenever the acquisition of real property for a Federal or Federal financially assisted program or project will result in the displacement of any person, the displacing agency shall provide a relocation assistance advisory program for displaced persons. If such agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, that agency shall offer such person relocation advisory services.

§ 19.602 Cooperation with other Federal and State agencies.

When more than one agency, Departmental or otherwise, is administering a relocation assistance advisory program which may be of assistance in the community or area to persons displaced under other programs, the head of that agency shall offer to cooperate to the maximum extent feasible with the other Federal or State agency causing displacements to assure that all displaced persons receive the maximum assistance available to them. The displacing agency may, by contract or otherwise, secure relocation assistance advisory services from any Federal, State, or local governmental agency or from any person or organization.

§ 19.603 Advisory services.

Each relocation assistance advisory program shall include such measures, facilities or services as may be necessary or appropriate in order to:

(a) Determine the need, if any, of displaced persons for relocation assistance.

(b) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sale and rental housing.

and of comparable commercial properties and locations for displaced businesses and farm operations.

(c) Assure that, within a reasonable period of time prior to displacement, replacement dwellings will be available.

(d) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(e) Supply information concerning housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(g) Advise displaced persons that they should notify the displacing agency before they move, and

(h) Prior to initiation of acquisition, provide persons from whom it is planned to acquire land a brochure or pamphlet outlining the benefits to which they may be entitled.

Subpart—Federal Financially Assisted Projects

§ 19.701 Assurances by State agency.

(a) The agency head shall not approve a grant to or contract or agreement with a State agency unless he receives satisfactory assurances from such State agency that

(1) relocation payments, relocation assistance, and relocation assistance services will be provided and replacement dwellings will be available as provided in these regulations; and (2) in acquiring real property it will be guided to the greatest extent practicable under state law by the land acquisition policies provided in §§ 19.801 to 19.809.

(b) Prior to July 1, 1972, if a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement to the effect shall be supported by an opinion of the chief legal officer of the State, containing a full discussion of the facts and law involved. The agency head may accept this statement or the assurances so qualified as constituting compliance with this section.

(c) A grant to or contract or agreement with a State agency shall contain provisions requiring the State agency to comply with these regulations to the extent determined under this section.

§ 19.702 Execution and amendment of agreements.

Any grant to, or contract or agreement with a State agency under which Federal financial assistance is made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall include or be amended to include the cost of providing payments and services set forth in these regulations except as provided in §§ 19.704 and 19.707.

§ 19.703 Project cost.

The cost to a State agency of providing payments and assistance pursuant to

these regulations shall be included as part of the cost of a program or project for which the Department furnishes financial assistance. The State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs. Project as used in this section shall be the works of improvement causing the displacement.

§ 19.704 Payment by Department.

When the Federal financial assistance is by grant or contribution, or when an existing grant to, or contract or agreement with a State agency, is amended as specified in § 19.702, the Department will pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person, business, or farm operation on account of any individual acquisition or displacement occurring prior to July 1, 1972. When the Federal financial assistance is by loan, the Federal agency will loan the State agency the full amount of the first \$25,000 of such cost.

§ 19.705 Exception.

No payment or assistance under these regulations will be required of a State agency, or included as a program or project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by the agency head to have substantially the same purpose and effect as the payment and assistance required by these regulations.

§ 19.706 Advances by Department.

After amendment as provided in § 19.702 or for a grant, contract or agreement made on or after January 2, 1971, if the agency head determines that it is necessary for the expeditious completion of a project, he may advance to the State agency, the Federal share of the cost of any payments or assistance required by these regulations.

§ 19.707 Housing standards.

The State agency will determine whether the replacement dwelling meets the standards prescribed under these regulations.

§ 19.708 Organization and facilities.

It will be the responsibility of the agency head to determine that the State agency provides adequate personnel and facilities to enable it to provide the payments and services required by these regulations.

§ 19.709 Compliance.

The Department will provide for the making of periodic inspections to ascertain whether payments and services are being accomplished and whether there is compliance otherwise with the assurances furnished.

§ 19.710 Records.

The grant to, or contract or agreement with the State agency shall provide that it will maintain such records as may be specified by the agency head for a period of 3 years and make them available to

the agency head for inspection and audit at reasonable times.

§ 19.711 Performance by contract.

(a) When authorized by the agency head a State agency may contract for the services specified for §§ 19.301 through 19.603 with any person or organization if it finds that such contract will prevent unnecessary expense, avoid duplication of functions, and promote uniform administration of relocation assistance programs.

(b) The solicitation of proposals, contract provisions, and administration shall be in accordance with State laws and procedures prescribed by the agency head, but shall as a minimum include provisions:

(1) Required by Federal regulations implementing title VI of the Civil Rights Act of 1964 (Public Law 88-352), and

(2) Requiring records relating to the contract to be maintained for a period of not less than 3 years and be available for inspection by representatives of the State agency and the agency head.

(c) In furnishing housing to the extent authorized under criteria and procedures set forth in § 19.109, the State agency shall, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration and conduct of similar housing assistance activities.

§ 19.712 Furnishing real property.

Whenever real property is acquired by a State agency and furnished as a required contribution to a Federal project, the agency head may not accept such property unless such State agency has made all payments and provided all assistance and assurances as are required of a State agency by these regulations. The cost of such requirements will be paid by the State agency, except the agency head will pay the full amount of the first \$25,000 of the cost of providing such payments and assistance in connection with each acquisition or displacement occurring prior to July 1, 1972.

§ 19.713 State agency acting as agent for Federal project.

Whenever real property is acquired by a State agency at the request of the agency head, for a Federal project such acquisition shall be deemed for the purposes of these regulations as an acquisition by the agency head.

Subpart—Real Property Acquisition

§ 19.801 Acquisition by agreement.

(a) The provisions of this subpart do not apply to donations of land or land exchanges.

(b) Every reasonable effort will be made to (1) acquire real property by agreements with owners based on negotiations, (2) assure consistent treatment for owners, and (3) accomplish negotiations expeditiously. In no event shall negotiations be deferred nor any other action coercive in nature taken in order to compel an agreement.

§ 19.802 Appraisal.

(a) Prior to initiation of negotiations, an appraisal of the fair market value of the real property interest to be acquired will be made by a qualified land appraiser.

(b) The owner or his designated representative will be given a reasonable opportunity to accompany the appraiser during his inspection of the property.

(c) Any decrease or increase in the fair market value of the property prior to the date of the appraisal which is caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in appraising the property.

(d) Where appropriate the estimate of the fair market value of the property to be acquired and the estimate of damages or offsetting benefits to the remaining property will be separately stated.

§ 19.803 Establishing just compensation.

(a) Prior to negotiations the displacing agency shall establish an amount it believes to be just compensation which in no event shall be less than the amount in the approved appraisal.

(b) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the displacing agency shall offer to acquire the entire property.

§ 19.804 Initiation of negotiations.

(a) When the just compensation has been established, a prompt offer will be made to acquire the real property for the full amount of the just compensation so established.

(b) When the offer is made, the owner of the real property will be provided with a written statement of (1) identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements considered to be a part of the real property, (2) the amount of the estimated just compensation as determined by the acquiring agency and a summary statement of the basis therefor, and (3) if only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

(c) The offer of just compensation does not preclude further negotiations with respect to the purchase price.

(d) Tenants occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(e) Contracts or options to purchase real property shall not include any payments for relocation costs or any reference to such payments.

§ 19.805 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations,

condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken in order to compel an agreement on price.

(b) If real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will be taken intentionally which will make it necessary for an owner to institute legal proceedings to prove the taking of his real property.

(c) If the final judgment of the court in a condemnation case is that the acquiring agency cannot acquire the real property by condemnation, or if the proceeding in condemnation is abandoned by the acquiring agency, the acquiring agency must pay the owner of the property such sum as will reimburse the owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings. If this cost is not covered by a court order, nevertheless the acquiring agency shall pay to the owner such costs.

§ 19.806 Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation proceeding to acquire real property, the owner will be reimbursed to the extent the head of the displacing agency determines fair and reasonable, for expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incident to conveying the real property to the acquiring agency.

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property, and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is earlier.

§ 19.807 Improvements owned by tenants.

(a) Whenever any interest in real property is acquired, the acquiring agency will acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property which such acquiring agency requires to be removed from the real property, or which the acquiring agency determines will be adversely affected by the use to which such real property will be put.

(b) The following will apply in determining the just compensation for any such buildings, structures, or other improvements: (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term, and (2) the fair market

value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures, or other improvements for removal from the real property, whichever is greater, will be paid the tenant therefor, provided the tenant shall assign, transfer and release to the acquiring agency all his rights, title and interest in and to such improvements.

(c) Payments under this § 19.807 will not be made: (1) Which result in duplication of any payments otherwise authorized by law, (2) unless the owner of the land involved disclaims all interest in such buildings, structures or other improvements of the tenant.

(d) The tenant may reject payment under this § 19.807 and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 19.808 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the acquiring agency on short notice, the amount of rent required will not exceed the fair rental value of the property to a short term occupier.

§ 19.809 Requirement to move.

(a) The construction or development of a project will be so scheduled that to the greatest extent practicable, no person lawfully occupying real property will be required to move from a dwelling (assuming a replacement dwelling will be available), or to move his business or farm operation, without at least 90 days written notice prior to the date on which such move is required. A notice of less than 90 days may be given only in an emergency or other extraordinary situations. When it is proposed to give an advance notice of less than 90 days, the prior approval of the agency head will be obtained.

(b) No owner will be required to surrender possession of real property before he has been paid the agreed purchase price, or a deposit has been made with the court for the benefit of the owner in an amount not less than the approved appraisal of the real property being acquired.

Subpart—Report**§ 19.901 Annual report.**

Each agency head shall prepare and submit an annual report, on a fiscal year basis, to the Secretary of Agriculture. The first report will cover the period January 2, 1971, through June 30, 1971, with the final report covering the period July 1, 1973, through June 30, 1974.

(a) Each such report will include narrative comments regarding:

(1) The effectiveness of the provisions of the Act assuring the availability of comparable replacement housing for displaced persons;

(2) Actions taken to achieve the objectives of the policies of Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for, Federal or Federal financially assisted programs;

(3) Views on the progress made to achieve the objectives stated in subparagraph (2) of this paragraph;

(4) Any indicated effects of such programs and policies on the public; and

(5) Recommendations for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws, and regulations.

(b) Each such report will also include statistical data as prescribed by the Department.

(c) Summary statement on the waiver of assurances.

Dated: April 28, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6243 Filed 5-4-71; 8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 347]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.647 Valencia Orange Regulation 347.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time;

and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1971.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 7, 1971, through May 13, 1971, are hereby fixed as follows:

- (i) District 1: 303,294 Cartons;
- (ii) District 2: 196,212 Cartons;
- (iii) District 3: 153,901 Cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "Carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 5, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6460 Filed 5-5-71; 11:33 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

In § 201.108 the introductory text of paragraph (b) is amended and subparagraphs (16) and (17) are added as set forth below:

§ 201.108 Obligations eligible as collateral for advances.

(b) Under section 14(b) direct obligations of, and obligations fully guaran-

teed as to principal and interest by, the United States are eligible for purchase by Reserve Banks. Such obligations include certificates issued by the trustees of Penn Central Transportation Co. that are fully guaranteed by the Secretary of Transportation. Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, any agency of the United States are also eligible for purchase by Reserve Banks. Following are the principal agency obligations eligible as collateral for advances.

(16) Federal Home Loan Mortgage Corporation notes, debentures, and guaranteed certificates of participation.

(17) U.S. Postal Service obligations.

(Interprets and applies 12 U.S.C. 347)

By order of the Board of Governors,
April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6322 Filed 5-5-71; 8:46 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON THE RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 0F0973) was filed by the Upjohn Co., Kalamazoo, Michigan 49001, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that section 420.200 be amended by changing the existing tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on nectarines to allow for postharvest application in addition to the established preharvest application.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service, USDI, has advised that it has no objection to the proposed tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection